

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COMPLETE NUTRITION
FRANCHISING, LLC, and R2
DISTRIBUTION, LLC,

Plaintiffs,

vs.

J. HOWELL, LLC, et al.,

Defendants.

8:17-CV-3170

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's findings and recommendation ([filing 31](#)) recommending that the Court enter a default against defendant J. Howell, LLC.

No objection has been lodged to the findings and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party has objected to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, [501 U.S. 923 \(1991\)](#). The Magistrate Judge's findings and recommendation advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See [filing 31 at 2](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, [474 U.S. 140 \(1985\)](#); *Leonard v. Dorsey & Whitney LLP*, [553 F.3d 609 \(8th Cir. 2009\)](#); see also *United States v. Meyer*, [439 F.3d 855, 858-59 \(8th Cir. 2006\)](#).

Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation. The Court will order the clerk's office to enter J. Howell,

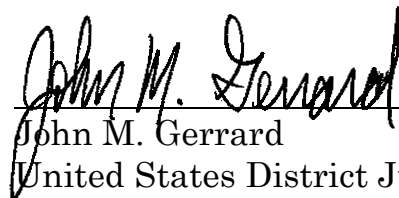
LLC's default. A final judgment in this matter will be entered upon a properly supported motion for default judgment and, if necessary, a hearing to determine the amount of damages. See, [Fed. R. Civ. P. 55\(b\)\(2\)](#); *Everyday Learning Corp. v. Larson*, 242 F.3d 815, 818-19 (8th Cir. 2001).

IT IS ORDERED:

1. The Magistrate Judge's Findings, Recommendation, and Order ([filing 31](#)) are adopted.
2. The Clerk of the Court is directed to enter J. Howell, LLC's default.

Dated this 16th day of July, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge